

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

CASE NO.: 2:21-cv-00563-JCC

**DECLARATION OF KENNETH R.  
O'ROURKE IN SUPPORT OF  
PLAINTIFFS' LCR 37 SUBMISSION  
REGARDING PLAINTIFFS' MOTION  
TO COMPEL THE IN-PERSON  
DEPOSITION OF DEFENDANT VALVE  
CORP.'S CEO GABE NEWELL**

**REDACTED VERSION**

1 I, Kenneth R. O'Rourke, submit this declaration in support of Plaintiff's Local Civil Rule  
2 37 Submission to Compel the In-Person Deposition of Defendant Valve Corp.'s CEO Gabe  
3 Newell.

4 1. I am a member of Wilson Sonsini Goodrich & Rosati P.C. and am one of the  
5 counsel for Plaintiffs Dark Catt Studios Holdings, Inc. and Dark Catt Studios Interactive LLC  
6 (collectively, "Dark Catt"). Wilson Sonsini is among the interim co-lead counsel appointed for the  
7 proposed class of PC game publishers in the above-captioned litigation. I have personal  
8 knowledge of the facts set forth in this declaration except as noted herein and could and would  
9 competently testify to them if called as a witness.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread between  
11 Plaintiff Counsel and Defense Counsel dated between September 8, 2023, and November 2, 2023,  
12 related to the deposition of Gabe Newell and with a subject of "RE: Valve AT Plaintiff Counsel –  
13 Re: Valve Employee Depositions."

14 3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiffs' Notice of Fed.  
15 R. Civ. P. 30(b)(1) Deposition of Gabe Newell dated November 1, 2023.

16 4. [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 5. [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 6. [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]

8 7. Attached hereto as **Exhibit 3** are true and correct excerpts of the transcript of the  
9 Video-Recorded Deposition Upon Oral Examination of Scott Lynch, taken on October 12, 2023.

10 8. Attached hereto as **Exhibit 4** are true and correct excerpts of the transcript of the  
11 Video-Recorded Deposition Upon Oral Examination of Ricky Uy taken on October 24, 2023.

12 9. Attached hereto as **Exhibit 5** are true and correct excerpts of the transcript of the  
13 Video-Recorded Deposition Upon Oral Examination of Kassidy Gerber taken on October 5, 2023.

14 10. Attached hereto as **Exhibit 6** are true and correct excerpts of the transcript of the  
15 Video-Recorded Deposition Upon Oral Examination of Nathaniel Blue taken on October 4, 2023.

16 11. Attached hereto as **Exhibit 7** are true and correct excerpts of the transcript of the  
17 Video-Recorded Deposition Upon Oral Examination of Erik Johnson taken on September 26,  
18 2023.

19 12. Attached hereto as **Exhibit 8** is a true and correct copy of a Steam DEV DAYS  
20 presentation titled, "*Mike Ambinder, PhD, Valve: Data to Drive Decision-Making*, which was  
21 attached to the Johnson Deposition as Exhibit 28, bearing bates VALVE\_ANT\_0007620.

22 13. Attached hereto as **Exhibit 9** are true and correct excerpts of the transcript of the  
23 Video-Recorded 30(B)(6) Deposition Upon Oral Examination of Valve Corporation Scott Lynch  
24 taken on October 13, 2023.

25 14. Attached hereto as **Exhibit 10** are true and correct excerpts of the transcript of the  
26 Video-Recorded Deposition Upon Oral Examination of Kristian Miller taken on October 3, 2023.  
27  
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